



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 6, 2007

ITEM NUMBER: _____

**SUBJECT: ORDINANCE 07-02 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA
ADOPTING ZONING CODE AMENDMENT CO-06-05 WHICH AMENDS TITLE 13 OF
THE COSTA MESA MUNICIPAL CODE (ZONING CODE) RELATED TO HIGH-RISE
RESIDENTIAL DEVELOPMENT IN NORTH COSTA MESA**

DATE: JANUARY 24, 2007

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: DONALD D. LAMM, AICP, DEPUTY CITY MGR./DEV. SVS. DIRECTOR

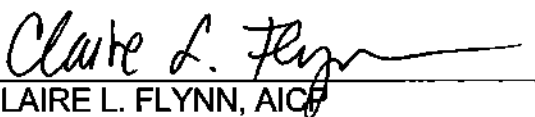
FOR FURTHER INFORMATION CONTACT: CLAIRE L. FLYNN, AICP (714) 754-5278

RECOMMENDATION:

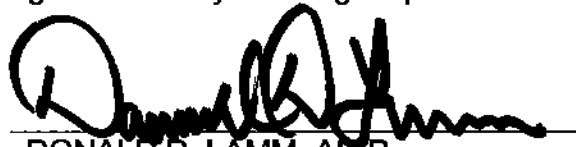
Give second reading to Ordinance 07-02 to amend Zoning Code related to high-rise residential development in North Costa Mesa.

BACKGROUND:

On January 16, 2007, Council took action to approve the North Costa Mesa High-Rise residential projects on a 5-0 vote. The Zoning Ordinance creates provisions for high-rise residential development in Planned Development and Town Center zones and also includes references to the North Costa Mesa Specific Plan for additional development regulations (Ordinance, Attachment 1). No changes to the City's zoning map were made.



CLAIRE L. FLYNN, AICP
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

ATTACHMENTS: 1 Ordinance 07-02

DISTRIBUTION: City Manager
Asst. City Manager
City Attorney
Deputy City Manager – Dev. Svs. Dir.
Public Services Director
City Clerk (2)
Staff (4)
File (2)

Paul Freeman/David Wilson
South Coast Plaza
3315 Fairview Road
Costa Mesa, CA 92626

Judy Morr/Ellery Brown
OC Performing Arts Center
600 Town Center Drive
Costa Mesa, CA 92626

Dennis Szackas
Orange County Museum of Art
850 San Clemente Drive
Newport Beach, California 92660

George M.K. Sakioka
J.K. Sakioka Company
14850 Sunflower Avenue
Santa Ana, CA 92707

Patrick Tooley, Vice Pres.
Wilson Meany Sullivan, LLP
11150 Santa Monica Blvd, #230
Los Angeles, CA 90025

Tim O'Brien/Ben Ortega
The Fifield Companies
2010 Main St., Suite 610
Irvine, CA 92614

Bob Goodwin/Paul Julian
Maguire Properties
333 South Grand Ave, Suite 400
Los Angeles, CA 90071

File: 0206070702Ord2ndRead	Date: 012407	Time: 3:30 p.m.
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Attachment 1

Ordinance

ORDINANCE NO. 07-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA ADOPTING ZONING CODE AMENDMENT CO-06-05 WHICH AMENDS TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING HIGH-RISE RESIDENTIAL DEVELOPMENT IN PLANNED DEVELOPMENT AND TOWN CENTER ZONES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 13 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 13-20(j) as follows:

“(j) TC Town Center District. This district is intended to allow intensely developed mixed commercial and residential uses within a very limited geographical area bounded by Sunflower Avenue to the north, I-405 to the south, Bristol Street to the west, and Avenue of the Arts to the east. Developments within this designation can range from one- and two-story office and retail buildings to mid- and high-rise buildings.”

b. Amend Section 13-20(p) as follows:

**“(p) PDR-LD Planned Development Residential - Low Density (up to 8 dwelling units per acre);
PDR-MD Planned Development Residential - Medium Density (up to 12 dwelling units per acre);
PDR-HD Planned Development Residential - High Density (up to 20 dwelling units per acre or higher pursuant to an adopted specific plan);
PDR-NCM Planned Development Residential - North Costa Mesa (25-35 dwelling units per acre).**

These districts are intended to provide for excellence in the design of residential projects. Within the low-density zone typical designs include small-lot, single-family detached residential developments including clustered development, zero lot line development and conventional development.

Within the medium density, high density, and north Costa Mesa zones, site design could include single-and multiple-family residential developments containing any type or mixture of housing units, either attached or detached, including but not limited to clustered development, townhouses, patio houses, detached houses,

duplexes, garden apartments, high rise apartments or common interest developments. Complementary non-residential uses could also be included in the planned development.

- c. Amend Section 13-20(q) to read as follows:

“(q) PDC Planned Development Commercial. This district is intended for retail shops, offices and service establishments, including but not limited to, hotels, restaurants, theaters, museums, financial institutions, and health clubs. These uses are intended to serve adjacent residential areas, as well as the entire community and region. Complementary residential uses could also be included in the planned development.

- d. Amend rows 2 and 2.1 in Table 13-30 as shown in Attachment A.

- e. Amend Section 13-41(b)(4) to read as follows:

“(4) For high-rise residential projects, see the North Costa Mesa Specific Plan for additional development standards.

- f. Amend the following rows in Table 13-41(b) to read as follows:

TABLE 13-41(b) COMMON INTEREST DEVELOPMENT STANDARDS		
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling unit lots and excluding townhouses)	OTHER UNITS
Maximum Number of Stories & Building Height	2 stories/ 27 feet, except as allowed in the Planned Development or Town Center zoning districts. Note: Lofts, as defined in section 13-6, without exterior access and having only clerestory windows will not be regarded as a story. See also Attic discussion below.	
Attics	Attics shall not be heated or cooled, nor contain any electrical outlets or operable windows. In zoning districts where the maximum number of stories is two stories, attics above second stories shall be an integral part of the second story roofline and not appear as a 3 rd story on any building elevation. Windows in any attic space above the second story shall be incidental and limited to a dormer style.	
Maximum Density (based on gross acreage)	Same as underlying zoning district or as specified in an applicable specific plan.	
Minimum Open Space Development Lot:	40% of total lot area. <i>Exception:</i> For high-rise residential projects, see the North Costa Mesa Specific Plan.	
Private Open Space:	Same as individual dwelling unit lot above.	An adjoining patio required with no dimension less than 10 feet. <i>Exception:</i> Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.

TABLE 13-405 COMMON INTEREST DEVELOPMENT STANDARDS		
STANDARDS	SINGLE-FAMILY UNITS (located on individual dwelling units and not including townhouses)	OTHER UNITS
Storage	Not applicable.	Each unit shall be provided with 200 cubic feet of securable storage exterior to the unit. If this storage is provided within the garage or carport it shall be located so as not to obstruct the required clear dimensions of the covered parking space (per the City of Costa Mesa Parking Design Standards) at any point less than 4 feet above the finished surface level of the parking stall. <i>Exception:</i> Not applicable to high-rise residential projects in the North Costa Mesa Specific Plan.
SETBACKS FOR MAIN BUILDINGS AND ACCESSORY BUILDINGS AND STRUCTURES (Minimum distance, given, unless otherwise noted. All setbacks from streets to development lots are measured from the ultimate property line shown on the Master Plan of Highways). For developments in the Town Center and Planned Development zoning districts, see Article 5 COMMERCIAL DISTRICTS and Article 6 PLANNED DEVELOPMENT for the applicable standards.		

g. Amend Section 13-57(b)(2) to read as follows:

- “(2) As complementary uses, residential (density maximum of 20 dwelling units per acre, unless otherwise noted in the General Plan and/or specific plan) and industrial uses as well as other commercial and noncommercial uses of a similar or supportive nature to the uses noted in this subsection may be allowed if the Planning Commission approves the uses as compatible with the Planned Development Commercial project based on compatible uses listed in the General Plan for the applicable land use designation subject to FAR limits. For the 1901 Newport Plaza property, a site-specific FAR of 0.70 for the commercial component and site-specific density of 40 dwelling units per acre for the residential component were established for 1901 Newport Boulevard pursuant to General Plan amendment GP-02-04.”

- h. Amend the following row of Table 13-58 to read as follows:

TABLE 13-58 PLANNED DEVELOPMENT STANDARDS						
DEVELOPMENT STANDARD	PDR-LD	PDR-MD	PDR-HD	PDR-NCM	PDC	PDI
Maximum Density per Section 13-59 MAXIMUM DENSITY CRITERIA. (dwelling units per acre)	8	12	20 Note: See North Costa Mesa Specific Plan for exceptions.	35	20 Note: The maximum density for 1901 Newport Boulevard is 40 dwelling units per acre. See North Costa Mesa Specific Plan for exceptions.	
Open Space	45% of total site area ¹ , inclusive of Perimeter Open Space. See Section 13-60 REQUIRED OPEN SPACE CRITERIA FOR PLANNED DEVELOPMENT RESIDENTIAL.		42% of total site area ¹ , inclusive of Perimeter Open Space. See Section 13-60 REQUIRED OPEN SPACE CRITERIA FOR PLANNED DEVELOPMENT RESIDENTIAL. See North Costa Mesa Specific Plan for exceptions.		See Perimeter Open Space and CHAPTER VI PARKING.	

- i. Amend Section 13-60(a) to read as follows:

“(a) The required open space shall be land areas that are not occupied by buildings, structures, parking areas, driveways, streets or alleys. Landscaped roof areas or decks may not be calculated as part of the required open space, except as allowed in the North Costa Mesa Specific Plan. The open space shall be devoted to landscaping, preservation of natural features, patios and recreational areas and facilities.”

- i. Amend Section 13-62(e)(9) to read as follows:

“(2) Complementary residential and industrial uses within the Planned Development Commercial district shall comply with the permitted uses, density or site coverage, and parking requirements of the Planned Development Residential and Planned Development Industrial districts or any applicable specific plan.

- j. Amend Section 13-62(g) to read as follows:

“(g) **Noise attenuation.** When, in the opinion of the Planning Division, a proposed Planned Development may be situated in a noise environment, which will adversely affect future residents, an acoustical analysis shall be required. An acoustical evaluation of the working drawings of the proposed residential project shall be submitted to the Planning Division by a licensed acoustical engineer prior to the issuance of building permits. The engineer shall certify that the construction will reduce residential interior noise levels to 45 CNEL or less and residential exterior noise levels in common and

private open space areas to 65 CNEL or less. An exception to the 65 CNEL exterior noise standard is for high-rise residential developments in the North Costa Mesa Specific Plan area. See Chapter XIII. NOISE CONTROL for additional information. Building occupancy will be granted upon submittal of a field test report from a licensed acoustical engineer certifying that the above standards have been met. The method of field testing shall be approved by the Planning Division."

k. Amend Section 13-84 to read as follows:

"Sec. 13-84. PURPOSE

The purpose of this article is to establish parking requirements for the residential zones. The provisions of this article shall apply to the R1, R2-MD, R2-HD and R3 zones, and to the residential portions of the Planned Development and Institutional and Recreational zones. *Exception:* These parking standards do not apply to high-rise residential developments in the North Costa Mesa Specific Plan; see the specific plan for applicable parking rates."

m. Amend Section 13-280 to include the following subsection:

"(e) In high-rise residential developments in the North Costa Mesa Specific Plan, the exterior noise standards shown in subsection (a) shall only apply to the common outdoor recreational amenity areas located on the ground level. Recreational amenity areas located above the ground level and private balconies and patios shall be exempt from this standard."

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days

from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this ____ day of _____, 2007

ALLAN MANSOOR, MAYOR
CITY OF COSTA MESA

ATTEST:

APPROVED AS TO FORM:

City Clerk of the
City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, Julie Folcik, City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 07-__ was introduced and considered section by section at a regular meeting of said City Council held on the ____ day of ____, 2007, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the ____ day of ____, 2007, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this ____ day of ____, 2007.

City Clerk and ex-officio
Clerk of the City Council of the
City of Costa Mesa

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